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May 12, 2008

**VIA EMAIL**

Judge Paul A. Crotty, U.S.D.J.  
United States District Court, SDNY  
500 Pearl Street, Chambers 735, Courtroom 20-C  
New York, New York 10007

Re: Index No. 08cv03115, Petraco Oil Co. Ltd. v. Progetra SA  
**Request for Pre-Motion Conference**

Judge Crotty:

Our firm represents Progetra SA, a Russian company with its registered office in Lugano Switzerland, the defendant in this action. We filed a Notice of Appearance today and seek to arrange a pre-motion conference as soon as scheduling permits.

The basis for Progetra's anticipated motion is that this Court was misled into improvidently granting relief in a matter in which it has no jurisdiction. Specifically, Progetra's anticipated Motion to Dismiss, Quash and for Fees is based on:

- plaintiff's failure to use the proper channels in serving process on defendant;
- this Court's lack of jurisdiction to hear this dispute because there is no Federal Question under 28 U.S.C. §1331, as there is no treaty invoked as an arbitration award has not been made;
- this Court's lack of jurisdiction to hear this dispute because there has been no prima facie showing that this is a maritime or admiralty action under 28 U.S.C. §1333;
- this Court's lack of jurisdiction to hear this dispute because the contract in dispute contains an unambiguous choice of law, venue and jurisdiction clause designating English law and arbitration in London, England; and
- Progetra is entitled to recovery its costs, including attorney's fees for this motion to quash an improper attachment.

Very truly yours,

**FAUST OPPENHEIM LLP**

By:   
David I. Faust

Cc: Simon Harter, Esq., Attorney for Plaintiff ([sharter@harterlaw.com](mailto:sharter@harterlaw.com))

*May 27, 2008*  
*The Court will schedule a pre-motion conference for Monday June 9 at 2:45pm in Courtroom 20-C. The parties are reminded that the Court has granted a maritime attachment pursuant to Admiralty Rule B; and the traditional method for relief is Admiralty Rule E (4Kf). This motion is not intended to limit or raise any new matter at all. It is appropriate so ordered.*  
*Paul Crotty*  
*USDJ*

MEMO ENDORSED

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May 21, 2008

**VIA EMAIL**

Judge Paul A. Crotty, U.S.D.J.  
United States District Court, SDNY  
500 Pearl Street, Chambers 735, Courtroom 20-C  
New York, New York 10007

Re: Index No. 08cv03115, Petraco Oil Co. Ltd. v. Progetra SA  
**Pre-Motion Conference – Supplemental Information**

Judge Crotty:

I take the liberty to update you with some information which we received today from our client Progetra SA in order to supplement our May 12, 2008 request for a pre-motion conference.

Petraco Oil Co. Ltd., the plaintiff in this matter, has contacted Progetra SA through counsel in London in order to commence arbitration there. In its request to confirm an arbitrator Petraco states its wish "\*\*\*\* to constitute a tribunal with authority to hear all disputes arising under the above-mentioned contract..." (emphasis supplied). This notice further supports Progetra's anticipated motion to dismiss, quash and for fees, the specifics of which are outlined in our letter of May 12, which motion will be based on this Court's lack of jurisdiction to hear this matter. I note that though Petraco had three days to respond to our letter of the 12<sup>th</sup>, no response has yet been received.

Progetra remains prejudiced by its inability to access its funds which remain frozen pursuant to the ex-parte Order issued on April 1, 2008. We therefore respectfully request the pre-motion conference be calendared as soon as scheduling permits.

Very truly yours,

**FAUST OPPENHEIM LLP**

By: 

David I. Faust

Cc: Simon Harter, Esq., Attorney for Plaintiff ([sharter@harterlaw.com](mailto:sharter@harterlaw.com))

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May 23, 2008

Via Email ( [crottynysdchambers@nysd.us.courts.gov](mailto:crottynysdchambers@nysd.us.courts.gov) )

Honorable Paul A. Crotty, USDJ  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

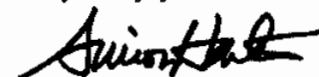
Re: Petraco Oil Co. Ltd. v. Progetra S.A.  
United States District Court – Southern District of New York  
Case No.: 08-cv-03115 (PAC)(THK)

Dear Judge Crotty:

We represent the Plaintiff, Petraco Oil Co. Ltd., in this matter. We write in response to counsel for Defendant's correspondence of May 12 and 21, 2008 requesting a pre-motion conference.

We respond by respectfully indicating that Plaintiff has no objection to a pre-motion conference and, further, that Plaintiff disputes each legal ground asserted by Defendant in connection with its requested motion.

Very truly yours,



Simon Harter

cc: Via email  
David I. Faust, Esq. ([davidfaust@frolaw.com](mailto:davidfaust@frolaw.com))  
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